

**TENTATIVE RULINGS for CIVIL LAW and MOTION**  
**August 27, 2009**

Pursuant to Yolo County Local Rules, the following tentative rulings will become the order of the court unless, by 4:00 p.m. on the court day before the hearing, a party requests a hearing and notifies other counsel of the hearing. To request a hearing, you must contact the clerk of the department where the hearing is to be held. Copies of the tentative rulings will be posted at the entrance to the courtroom and on the Yolo Courts Website, at [www.yolo.courts.ca.gov](http://www.yolo.courts.ca.gov). If you are scheduled to appear and there is no tentative ruling in your case, you should appear as scheduled.

Telephone number for the clerk in Department Fifteen: (530) 406-6942  
Department Eight: (530) 406-6920

## TENTATIVE RULING

**Case:** In re Petition of Symetra Assigned Benefits Service Company  
Case No. CV PT 09-1923

**Hearing Date:**            **August 27, 2009**                            **Department Fifteen**                            **9:00 a.m.**

The unopposed petition for approval of transfer of structured settlement payment rights is **GRANTED**. (Ins. Code, §§ 10134 *et seq.*)

If no hearing is requested, this tentative ruling is effective immediately. No formal order pursuant to California Rules of Court, rule 3.1312 or further notice is required.

## TENTATIVE RULING

**Case: LVNV Funding LLC v. Salinas**  
**Case No. CV G 08-3071**

**Hearing Date:**            **August 27, 2009**                            **Department Fifteen**                            **9:00 a.m.**

Graciela Salinas' unopposed motion for leave to file an amended answer is **GRANTED**. (Code Civ. Proc., § 473, subd. (a).) The amended answer submitted with the defendant's August 19, 2009, motion is deemed filed as of the date of this order.

If no hearing is requested, this tentative ruling is effective immediately. No formal order pursuant to California Rules of Court, rule 3.1312 or further notice is required.

## TENTATIVE RULING

**Case: People v. \$570.00 (Jesus Guzman)**  
**Case No. CV PT 07-1392**

**Hearing Date:** **August 27, 2009** **Department Fifteen** **9:00 a.m.**

The People are directed to appear and to advise the Court about whether they intend to file a petition for forfeiture and of any related criminal action. A judgment of forfeiture against the claimant requires, as a condition precedent thereto, that a defendant be convicted in an underlying or related criminal action of an offense specified in Health and Safety Code section

11470, subdivision (f) which offense occurred within five years of the seizure of the property subject to forfeiture or within five years of the notice of intent to seek forfeiture. (Health and Safety Code, § 11488.4, subd. (i)(3).)

#### **TENTATIVE RULING**

**Case:** **Schimmel v. Levin**

**Case No. CV CV 09-617**

**Hearing Date:** **August 27, 2009**

**Department Eight**

**9:30 a.m.**

Plaintiff's motion to disqualify Kelli M. Kennaday and Wilke, Fleury, Hoffelt, Gould & Birney, LLP ("Wilke Fleury") as counsel for Harris Levin, M.D., Virginia Joyce, M.D., Steven Smith, M.D., Michael Reinhardt, M.D., Kimberly Breneisen, M.D., Carol Grench, M.D., Joan Smith-Maclean, M.D., Beth Johnson, M.D. and Community Health Associates Multispecialty Medical Group, Inc. is **GRANTED**. The motion to strike the papers that have been filed by the disqualified counsel is also **GRANTED**.

The evidence submitted supports a finding that Ms. Kennaday actually possesses confidential information adverse to the plaintiff. Ms. Kennaday had a direct role in representing the plaintiff in Cabana v. Community Health Associates Multispecialty Medical Group, Inc., and information material to the evaluation, prosecution, settlement or accomplishment of the plaintiff's defense in the Cabana lawsuit is also material to the evaluation, prosecution, settlement or accomplishment of the prosecution and defense of the current lawsuit. It has not been established that the plaintiff agreed to Ms. Kennaday or Wilke Fleury's representation of the defendants in matters adverse to the plaintiff's interests.

Plaintiff's motion for leave to file a second amended complaint is **CONTINUED** to Wednesday, October 28, 2009, at 8:30 a.m. in Department Eight. The defendants represented by Ms. Kennaday and Wilke Fleury must file new papers (motions and opposition papers) within 60 days of the date of this ruling. Rigoberto Barba, M.D. may subsequently resubmit his joinder or file and provide notice for his own motion(s).

If no hearing is requested, this tentative ruling is effective immediately. No formal order pursuant to California Rules of Court, rule 3.1312 or further notice is required.